GOVERNMENT OF INDIA
FINANCE
LOK SABHA

UNSTARRED QUESTION NO:319
ANSWERED ON:03.02.2017
Pending Tax Evasion Cases
Verma Smt. Rekha Arun

Will the Minister of FINANCE be pleased to state:

(a) The number of cases of tax evasion by corporate companies under litigation in courts and the number out of them lying pending for more than six years;
(b) The number of cases of tax evasion registered against the corporate companies during the last three years; and
(c) The details of such companies prosecuted for tax evasion during the said period?

Answer

MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SANTOSH KUMAR GANGWAR)

(a) The category wise details of the cases of tax evasion by corporate companies under litigation in various Courts in India is not maintained centrally. The details of cases pending in High Court and Supreme Court which may also include the cases of Tax Evasion are as under:
Direct Taxes
Court No. of Cases pending as on 30.9.2016 No. of Cases pending for more than 5 years as on 1.4.2016
High Court 25336 4462
Supreme Court 4587 653

Indirect Taxes:
(as on 31.12.2016)
Court No. of appeals pending No. of appeals pending for more than 5 years
Supreme Court 2914 848
High Courts 13839 4583

(b)

Direct Taxes:

There is no provision for registering of a case under the provisions of Income-tax Act, 1961 for violations of the various provisions of the Act. Tax Evasion matters including the tax evasion matters by the corporate companies are investigated by the authorities concerned and appropriate action under direct taxes laws including assessment of income, levy of tax, imposition of penalty and launching of prosecution, is taken, in appropriate cases. Based upon the outcome of investigation, undisclosed income is assessed on the basis of evidence gathered on the relevant issues, following the quasi-judicial process under the Income-tax Act, 1961 which is subject to appeal before various appellate authorities, including the Hon'ble Supreme Court, before reaching the finality. Penalty is also levied in appropriate cases following the due process under the Income-tax Act, 1961 and the same is also subject to further appeal as per law. Prosecution complaints for various offences including willful attempt to evade tax are also filed in appropriate cases.
Indirect Taxes:
Information about tax evasion by corporate company-wise is not maintained centrally. However, the total number of indirect tax evasion cases during the last three years is as under:-
Year Central Excise Duty Customs Duty Service Tax
2013-14 2604 1815 4288
2014-15 2123 1458 3402
2015-16 2366 1815 3545

(c).
Direct Taxes:

Prosecution cases filed for willful attempt to evade tax etc. under section 276C(1) of the Income-tax Act, 1961 during last 3 years and upto 30.09.2016 is as under:

Sl. No. Financial Year Number of prosecution cases filed for willful attempt to evade tax etc u/s. 276C(1)
1 2013-14 75
2 2014-15 121
3 2015-16 118
4 2016-17 (upto September, 2016) 63

Indirect Taxes:
Information about prosecution launched is not maintained corporate company-wise centrally. However, the total number of prosecution cases launched for indirect tax evasion cases during the year 2015-16 & 2016-17 is as under:-

Year	Opening Balance	No. of Cases where prosecution has been considered	No. of prosecution launched
Central Excise			
2015-16	1277 (April,2015)	59 (upto March, 2016)	78 (upto March, 2016)
2016-17	1295 (April, 2016)	21 (upto Dec, 2016)	41 (upto Dec, 2016)
Service Tax			
2015-16	32 (April,2015)	13 (upto March, 2016)	09 (upto March, 2016)
2016-17	37 (April, 2016)	10 (upto Dec, 2016)	14 (upto Dec, 2016)
Customs			
2015-16	3785 (April,2015)	142 (upto March, 2016)	258 (upto March, 2016)
2016-17	3833 (April, 2016)	316 (upto Dec, 2016)	191 (upto Dec, 2016)